IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

Bail Appl..No. 6221 of 2007()

CRIME NO.219/07 OF VELLAMUNDA POLICE STATION, WAYANADU.

PETITIONER

P.V.GEORGE, S/O.VAREED,
PALISSERY HOUSE, PULINCHAL, MANANTHAVADY,
VELLAMUNDA P.O., WAYANADU DISTRICT,
PERMANANTLY SETTLED AT KALADY P.O.,
ERNAKULAM DISTRICT.

BY ADV. SMT.P.V.KOCHUTHRESIA

RESPONDENTS:

S.I. OF POLICE, VELLAMUNDA POLICE
STATION, VELLAMUNDA.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

B.A. No. 6221 OF 2007

Dated this the 16th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner faces allegations under the Explosive Substances Act. He allegedly runs a quarry and the allegation is that explosive substances were kept in his possession without any legal authority.

2. The learned counsel for the petitioner submits that the petitioner is absolutely innocent. The petitioner does not run the quarry directly. The same is given on rent, it is alleged. In these circumstances, the petitioner may be granted anticipatory bail, it is prayed.

3. This application is opposed by the learned Public Prosecutor. The learned Public Prosecutor submits that the petitioner is involved in identical crime earlier also. The petitioner may be directed to surrender before the

Investigating Officer or the learned Magistrate and seek regular bail, submits the learned Public Prosecutor.

4. In the facts and circumstances of this case, I find merit in the opposition by the learned Public Prosecutor. I am unable to perceive any features which would justify the invocation of the extraordinary equitable discretion under Sec.438 of the Cr.P.C. This, I am satisfied, is a fit case where the petitioner must appear before the Investigating Officer or the learned Magistrate having jurisdiction and then seek regular in the ordinary course.

5. In the result, this bail application is dismissed; but with the observation that if the petitioner surrenders before the Investigating Officer or the learned Magistrate and seeks bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously.

Sd/-
(R. BASANT, JUDGE)

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//true copy// P.S. to Judge